

STATE OF INDIANA) IN THE MARION COUNTY CIRCUIT COURT
) SS:
COUNTY OF MARION) AVC NO. 490010505N10020387

IN RE: MARTY KELLER, doing business as,)
 Keller Quality Used Cars,)
)
 Respondent.)

FILED
(46) MAY 25 2005
Doris Ann Scheller
CLERK OF THE
MARION CIRCUIT COURT

ASSURANCE OF VOLUNTARY COMPLIANCE

The State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Mary Ann Wehmuller, and the Respondent Marty Keller, doing business as, Keller Quality Used Cars, enter into an Assurance of Voluntary Compliance (Assurance) pursuant to Indiana Code §24-5-0.5-7.

Any violation of the terms of this Assurance constitutes prima facie evidence of a deceptive act. This Assurance is entered into without any adjudication of any issue of fact or law, and upon consent of the parties.

The parties agree:

1. Respondent is an individual engaged in the sale of used automobiles, with a principal place of business at 3750 E. Prospect, Indianapolis, Indiana 46203, and transacts business with Indiana consumers.
2. The terms of this Assurance apply to and are binding upon Respondent, his employees, agents, representatives, successors, and assigns.
3. Respondent acknowledges the jurisdiction of the Consumer Protection Division of the Office of the Attorney General to investigate matters hereinafter described, pursuant to the authority of Ind. Code §4-6-9-4 and Ind. Code §24-5-0.5-1 *et seq.*

4. Respondent, in soliciting and/or contracting with consumers, shall not make, cause to be made, or permit to be made, expressly or by implication, any representation, orally or in writing, as to the mileage of vehicles offered for sale, unless Respondent knows or should reasonably know the mileage represented is accurate.

5. Respondent, in soliciting and/or contracting with consumers, agrees to fully comply with all requirements of the Motor Vehicle Information and Cost Savings Act, 49 U.S.C. §32701 *et seq.* and 49 C.F.R §580 *et seq.*, including but not limited to:

- a. properly, accurately, and fully completing an Odometer Disclosure statement upon the sale or transfer of a vehicle;
- b. providing a fully completed copy of the Odometer Disclosure statement to the purchaser at the time of sale or transfer of a vehicle.

6. Respondent, in soliciting and/or contracting with consumers, agrees to fully comply with all requirements of Ind. Code §9-19-9-1 *et. seq.*

7. Respondent acknowledges that on May 24, 2005 he accepted the return of a 1994 Chevy Suburban, vehicle identification number _____, and paid consumer restitution in the amount of \$5,000.00 to Paula Henninger, _____, Indiana

8. Respondent shall not represent that the Office of the Attorney General approves or endorses Respondent's past or future business practices, or that execution of this Assurance constitutes such approval or endorsement.

9. Respondent shall fully cooperate with the Office of the Attorney General in the resolution of any future written complaints the Consumer Protection Division receives.

10. The Office of the Attorney General shall file this Assurance with the Circuit Court of Marion County. The Court's approval of this Assurance shall not act as a bar to any private right of action.

DATED this 25th day of May, 2005.

STATE OF INDIANA

RESPONDENT

STEVE CARTER
Attorney General of Indiana

MARTY KELLER, d/b/a,
Keller Quality Used Cars,

By: Mary Ann Wehmüller
Mary Ann Wehmüller
Deputy Attorney General
Atty. No. 15251-49A
Office of Attorney General
402 W. Washington, 5th Floor
Indianapolis, Indiana 46204
Telephone: (317) 233-3973
Maw:207398

By: Marty Keller
MARTY Keller
(printed name)
owner
(title)

APPROVED this _____ day of MAY 25 2005, 2005.

Theodore M Sosin
Judge, Marion County Circuit Court